

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PROCTER & GAMBLE COMPANY,

Plaintiff,

v.

MCNEIL-PPC, INC.,

Defendant.

ORDER

08-cv-251-bbc

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On December 17, 2008, this court held a telephonic hearing on plaintiff's motion to compel discovery. *See* Dkt. 107. Both sides were represented by counsel.

First, after hearing from the parties, I agreed to enter an order directed at third party Lohman Therapy requiring it to comply with the Rule 45 subpoena issued by plaintiff.

Next I directed plaintiff to re-draft and re-submit Interrogatory 12 to avoid disputed loaded characterizations of defendant's actions regarding design and re-design, and to ask for this information on a timeline rather than with reference to defendant's purported intent. The goal is to insure that all responsive information has been provided by avoiding debater's points on language choice.

Finally, I ordered defendant to provide the withheld information arguably responsive to Request for Production 59 under an outside-attorney's eyes only confidentiality provision.

Each side will bear its own costs on this motion.

Entered this 17<sup>th</sup> day of December, 2008.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge